

ACAP Newsletter: August 2008

You have been sent this email because you have previously indicated an interest in being kept informed about the ACAP Project (see <http://www.the-acap.org>). If you do not wish to receive any further mailings from the ACAP Project, please let us know by emailing info@the-acap.org. We will immediately remove your name from our mailing list.

ACAP: A strategic briefing paper

The ACAP team has recently been asked to develop a briefing paper for strategic management – a paper which looks not at the nuts-and-bolts of implementation but at the reasons for what ACAP is doing. We have decided to share this with readers of our newsletter. Please circulate this as widely as you like.

The right of copyright owners to decide how their content can be used is not generally a matter of dispute. It has been enshrined in law for centuries, and has provided the basis for the multiplicity of successful business models devised by the creative industries – industries which in every developed economy account for a very significant element of a country's economic activity.

With the spread of the internet, some have tried to foster a belief that “copyright is dead” – or, at least, that copyright must change out of all recognition in the online environment. Many internet businesses, large and small, have been built on the principle that because copyright presents an obstacle to their plans it must be ignored – so much so that selectively (or completely) ignoring copyright has become enshrined as an important principle not just of those businesses but of the internet as a whole. We are asked to accept that one of the fundamental principles of copyright – that anything that is not expressly allowed by permission of the copyright holder is forbidden – must be turned on its head. We are told that “the internet doesn't work like that”, as if the internet were an organic thing which has grown outside the influence of laws or people. We are told to accept that, in this new world, those of us who do not wish to have our content copied and reused for commercial purposes must “opt out” and must individually track down and prevent each use of our content that we don't like. And we are told that, unless we do so, organisations which should be our business partners in an orderly and well managed supply chain are free to use our content in any way that they choose (or perhaps that they feel they can get away with). Lastly we're asked to ignore the copious evidence that this situation is giving rise to major and serious negative outcomes for copyright owners, and told we should simply adapt to an online environment which we can never influence.

The ACAP project was founded on the belief that the content industries have endured these entirely specious arguments for too long. Copyright is not dead – and the rights associated with copyright do not go away in the face of a new technology. But we acknowledge that the rights of copyright owners have been substantially impaired by the network, not because of any inadequacy of copyright law, but because of the lack of tools to support the management of copyright on the network.

Until now, the only tools that we have had at our disposal have been costly and interminable litigation, or use of the type of “digital rights management” enforcement technology which has given copyright management in the digital age an uncomfortable reputation. For those copyright owners who find neither option attractive, the third option of simply preventing their content being published on the internet at all has been the only workable one.

ACAP – Automated Content Access Protocol – starts from a radically different position. We are convinced that the primary task facing content owners is to develop appropriate ways of *communicating* their policies about the use of their content – the permissions that they wish to offer to third parties – in a form that is appropriate to the medium. There are too many content owners – and too many potential re-users of that content – for online communication to be mediated by people. No one has either the time or the inclination to read the type of complex “terms and conditions” we put on our websites. ACAP provides an “Internet scale” solution to an “Internet scale” problem – a machine interpretable language that expresses permissions clearly and unambiguously in a format that content intermediaries and aggregators can understand – and act on.

Initially, work on ACAP began in response to some of the challenges being posed by search. In this respect the project has sometimes been characterised as “anti-search-engine”; and indeed it is the case that our initial focus has been on improving the capability of publishers to communicate with search engines. But ACAP is not against the search engines any more than a book publisher is against bookstores; all that we seek to do is to reduce the risk of conflict and misunderstanding that has arisen between publishers and search engines – misunderstanding that has repeatedly led to unnecessary, protracted and costly litigation.

ACAP is not some sort of backward looking attempt to make it impossible for search engines to provide the services which we all value so highly on the network; nor does ACAP have anything to say about the specifics of the permissions which a publisher may or may not grant to a particular intermediary. ACAP simply provides a toolkit which enables each publisher to decide how they want their content to be used – and then to make those decisions explicit.

As things stand, none of the major search engines has yet “recognised” ACAP – none of them is yet capable of compliance with an ACAP policy statement. And yet, led by Times Online, our first implementer, over 400 publishers in over 40 countries have implemented ACAP on their websites. Why?

If you have already implemented ACAP, you will already know the answer to that question. We are asking all publishers who care about the future of copyright on the network to undertake a very simple implementation of ACAP on their website; this is a very easy change to make, with no significant technical investment – and no potential downside. It makes a statement to everyone – including not only to our technical partners in the information supply chain but also to governments and regulators everywhere – that the content industry is determined to take a stand over the loss of control over its copyrights on the network. It is through the solidarity of concerted action that publishers can persuade search engines and others of the importance we place on this – so that they in turn implement ACAP.

Implementing ACAP will cost you only a little time – the ACAP protocol is freely available to everyone to use – but the implications of taking this action for the future of the content industry are profound. ACAP has now received the endorsement of both the recording and movie industries, and is beginning work on extending its “language” to audio and audio-visual media. ACAP represents an unprecedented opportunity for the whole of the content industry to speak with a single voice – and to develop a single, consistent and standardised method for the automated communication of permissions on the network.

ACAP is not by itself a complete answer to all the challenges facing the commercial distribution of content on the network, but it does provide an essential element of the response. It is an enabling tool, which will allow the content industries to develop innovative business models which support the long term return on the investment necessary for the delivery of high volume, high quality content on the network.

ACAP deserves your support.

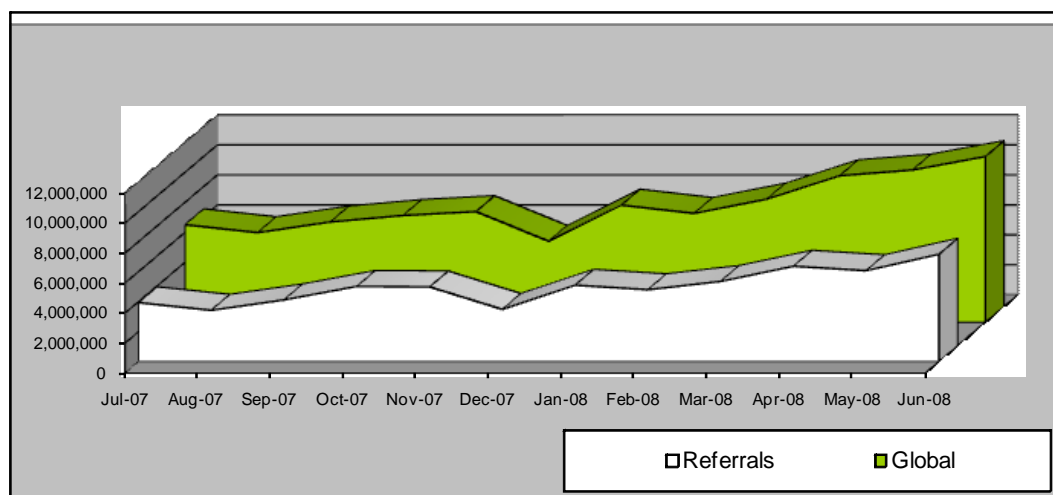
Implementation

There has been a substantial increase in implementation of ACAP v1.0 on publishers’ web sites in the past couple of months. There are now over 400 implementers in 40 different countries worldwide with particularly notable new representation among US publishers. The current list of implementers is available from the ACAP website.

We have been told that a number of Dutch publishers are preparing to implement and we look forward to boosting support in Denmark, Switzerland, Poland, Finland, Russia, Germany and the US following our autumn presentation program.

Implementation concerns

In response to concerns (that have regularly been expressed to us) that implementation of ACAP might in some way disrupt web traffic, we have now been given direct evidence that this is not the case. The Independent in London – which implemented ACAP in January this year – has been kind enough to provide us with web log data. This demonstrates clearly that implementing ACAP has had no negative impact on referrals from search engines.



Brochures: different language version

We now have pdf versions of the ACAP brochure in the following languages:
French, German, Portuguese, Dutch, Russian

These are all available to download from the website (www.the-acap.org); we have more language versions in preparation. If you find it helpful to have brochures in a language that we have not yet covered, please do not hesitate to contact Heidi Lambert, our Marketing Manager (heidilambert@hlcltd.demon.co.uk)

ACAP Autumn presentation programme:

28 August	Zurich	Swiss publishers association
2 September	Helsinki	Finnish publishers association
3 September	Copenhagen	Danish publishers association
5 September	Moscow	Russian publishers association
12 September	Washington DC	Online News Association conference
22 September	Warsaw	ENPA meeting; Polish publishers association
15-16 October	Amsterdam	WAN Digital publishing event
17 October	Frankfurt	Presentation at Book Fair
22-23 October	Berlin	German publishers association congress

We have found that speaking platforms are by far our most successful communication tools as we can answer questions and concerns head on. We need as many of these as possible and look to our supporters to provide these opportunities, particularly in countries where we have not yet presented so, please do what you can to help to get the ACAP message out:

- implement ACAP on your website
- provide us with speaking platforms
- distribute our information as widely as possible inside and outside your organisations
- publish our articles in your newsletters/publications
- link to us on your website
- carry editorial on us on your website
- let us know which of your press contacts we should be speaking to

PLEASE CONTINUE TO SPREAD THE WORD...

If you have any questions, please do not hesitate to contact us:

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